

REMARKS

Claims 1-5 and 7-11 are pending in the above-referenced patent application. In this response, claims 1-5 have been amended, claim 6 has been cancelled and claims 7-11 have been added. It is respectfully requested that the Examiner enter these amendments after final, which are submitted at least to present the claims in better form for Appeal.

It is noted that claims 1-5 were not amended to overcome the rejections and objections, or in light of the cited references. Rather, claims 1-5 were amended to more clearly delineate intended subject matter. Furthermore, it is believed that these amendments do not narrow claim scope. Rather, in some cases, the claims are even broadened. Therefore, no prosecution history estoppel should result from these claim amendments. Additionally, it is respectfully submitted that adequate support may be found in the specification for new claims 7-11, and that no new matter has been added. For example, adequate support may be found in paragraphs [0021]-[0022] and Fig. 4.

In the Final Office Action, the Examiner affirmed the rejection of claims 1-6 under 35 U.S.C. 102(e) as being anticipated by Otsuka (U.S. Patent No. 6,324,344). These rejections are respectfully traversed.

Otsuka is directed toward a light measuring device, wherein the light measuring device is configured to obtain a level correction value for each pixel of the light measuring device for a reference integration period, and an average of level shift amounts for all pixels caused by a change in integration period. This provides the capability to obtain a level correction value for each pixel of the device caused by different integration periods, without the need to store correction values for each integration period. Additionally, as cited portion of the specification of Otsuka cited by the Examiner states: "Gain correction, therefore, can be carried out by computing the average of gain correction values for all pixels and by assigning a difference (deviation amount) of the gain correction value of each pixel from the average value to the pixel as a correction value." (col 3:30-col3:35) (emphasis supplied).

Referring to claim 1, Otsuka does not show or describe an application specific integrated circuit configured to receive an even data value obtained from an even-numbered pixel of the scanning device

and an odd data value obtained from an odd-numbered pixel of the scanning device, perform a computation using the even data value, the odd data value and a preset value to produce an even compensation value and an odd compensation value, average the even compensation value and the odd compensation value to produce an averaged odd-even compensation value, and compensate an even-numbered pixel value and an odd-numbered pixel value obtained from the scanning device by using the odd-even compensation value.

It is clear that claim 1 distinguishes over the method that appears to be shown in Otsuka, which is directed toward correcting gain by averaging the gain correction of all pixels and adding the averaged value to each pixel, regardless of which pixel is being corrected (e.g. even and/or odd). Assignee respectfully submits that Otsuka does not disclose each and every element of the rejected claims, a *prima facie* case under 35 U.S.C. 102(e) has not been established, and claim 1 is in a condition for allowance. It is noted that many other bases for traversing the rejection could be provided, but Assignee believes that this ground is sufficient. It is respectfully requested that the Examiner withdraw the rejection as to claim 1, as amended.

Additionally, claims 2-5 and 7-11 are in a condition for allowance for the same and/or similar reasons as presented with reference to claim 1, as amended. It is respectfully requested that the Examiner withdraw his rejections of these claims also.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application, as amended, are in condition for allowance. If the Examiner has any questions, she is invited to contact the undersigned at (503) 439-6500. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3130.

Dated: _____

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Respectfully submitted,



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